

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants	: William H. ALLEN et al.	Group Art Unit : 2614
Appl. No.	: 10/660,594	Examiner : William J. DEANE, JR.
Filed	: September 12, 2003	Confirmation No. : 7496
For	: INTERNATIONAL ORIGIN DEPENDENT CUSTOMIZED ROUTING OF CALLS TO TOLL-FREE NUMBERS	

**APPEAL BRIEF UNDER 37 C.F.R. §41.37**

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop Appeal Brief - Patents  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

This appeal is from the rejection of claims 1-22, as set forth in the Final Office Action of March 28, 2008. A Notice of Appeal was filed on May 28, 2008 in response to the Final Office Action of March 28, 2008. The requisite fee for filing an Appeal Brief under 37 C.F.R. §41.20(b)(2) is submitted herewith. However, if for any reason the necessary fee is not associated with this file or the attached fee is inadequate, the Commissioner is authorized to charge the fee for the Appeal Brief and any necessary extension of time fees to Deposit Account No. 19-0089.

**(1) REAL PARTY IN INTEREST**

The real party in interest is AT&T Intellectual Property I, L.P. (formerly known as AT&T Knowledge Ventures, L.P., as established by a Change of Name filed in the U.S. Patent and Trademark Office on July 24, 2008, and recorded in the U.S. Patent and Trademark Office at Reel 021289 and Frame 0401).

**(2) RELATED APPEALS AND INTERFERENCES**

An appeal was filed in related U.S. patent application Ser. No. 10/423,004, in the names of W. Allen et al., entitled "Toll-Free Number Blocking Override Indicator," filed on April 25, 2003. On June 30, 2008, prior to the filing of the Examiner's Answer, the Examiner issued a Notice of Allowance for U.S. patent application Ser. No. 10/423,004.

**(3) STATUS OF THE CLAIMS**

Claims 1-22, all of the claims pending in this application, stand finally rejected and are the subject of this appeal. Appellants appeal the final rejection of claims 1-22. A copy of claims 1-22 is attached as an Appendix to this brief.

**(4) STATUS OF THE AMENDMENTS**

The Amendment that was filed on December 12, 2007 has been entered.

**(5) SUMMARY OF THE CLAIMED SUBJECT MATTER**

Initially, Appellants note that the following descriptions are made with respect to the independent claims and include references to particular parts of the specification. As such, the following are merely exemplary and are not a surrender of other aspects of the present invention that are also enabled by the present specification as well as those that are directed to equivalent structures or methods.

Independent Claim 1

Independent claim 1 recites a system for routing international calls to a toll-free number of a customer in accordance with a customized routing service. An international gateway receives a call to the customer's toll-free number and populates a first portion of a calling party number field with at least data indicating that the call originated in a non-domestic country. A network switch receives the call from the international gateway based on at least an identification of a carrier associated with the toll-free number. A customized routing service platform receives the call and the non-domestic call origination data from the network switch. The platform determines a destination number based on the non-domestic call origination data and routing instructions received from a web server, accessible by the customer via a packet switched data network. The platform forwarding at least the destination number to the network switch for routing the call to the destination number. The customized routing service platform further

includes a database server that stores the routing instructions received from the web server and determines the destination number based on the stored routing instructions.

In this regard, exemplary embodiments of the present specification are shown in FIGS. 5-8 and disclosed at page 30, line 4 – page 40, line 2. A system for routing international calls to a toll-free number of a customer [12] in accordance with a customized routing service, the system comprising: an international gateway [29] that receives a call to the customer's [12] toll-free number and populates a first portion of a calling party [10] number field with at least data indicating that the call originated in a non-domestic country [page 31, lines 5-16]; a network switch [24] that receives the call from the international gateway [29] based on at least an identification of a carrier associated with the toll-free number [page 30, lines 16-20]; and a customized routing service platform [30] that receives the call and the non-domestic call origination data from the network switch [24], the platform [30] determining [page 33, lines 3-18] a destination number based on the non-domestic call origination data and routing instructions received from a web server [38], accessible by the customer [12] via a packet switched data network [40], the platform [30] forwarding at least the destination number to the network switch [24] for routing the call to the destination number, the customized routing service platform [30] further including a database server [36] that stores the routing instructions received from the web server [38] and determines the destination number based on the stored routing instructions [page 37, line 23 to page 38, line 5].

Independent Claim 12

Independent claim 12 recites a method for routing international calls to a toll-free number of a customer in accordance with a customized routing service. Instructions are received from the customer via a packet switched data network associating the toll-free number with a first destination number of the customer for calls to the toll-free number originating in a first non-domestic country. A calling party number field of a call to the toll-free number originating in the first non-domestic country is populated with at least a first code corresponding to the first non-domestic country. The call is routed to the first destination number in accordance with the received instructions, based on the first code. The routing further includes, storing the routing instructions received from the packet switched data network and determining the destination number based on the stored routing instructions.

In this regard, exemplary embodiments of the present specification are shown in FIGS. 5-8 and disclosed at page 30, line 4 – page 40, line 2. A method for routing international calls to a toll-free number of a customer [12] in accordance with a customized routing service, the method comprising: receiving instructions from the customer [12] via a packet switched data network [40] associating the toll-free number with a first destination number of the customer [12] for calls to the toll-free number originating in a first non-domestic country [page 30, lines 4-8]; populating a calling party number field of a call to the toll-free number originating in the first non-domestic country with at least a first code corresponding to the first non-domestic country [page 31, lines 5-16]; and routing the call to the first destination number in accordance with the received

instructions, based on the first code, wherein the routing further includes, storing the routing instructions received from the packet switched data network [40] and determining the destination number based on the stored routing instructions [page 37, line 23 to page 38, line 5].

#### Independent Claim 17

Independent claim 17 recites a system for routing international calls to an international toll-free number of a customer in accordance with a customized routing service. An international gateway receives a call to the customer's international toll-free number. The international gateway translates the international toll-free number into a pseudo toll-free number and populates a calling party number field of an automatic number identification (ANI) signal with at least data indicating that the call originated in a non-domestic country. A network switch that receives the call from the international gateway based on at least an identification of a carrier associated with at least one of the international toll-free number and the pseudo toll-free number. A customized routing service platform receives the call and the non-domestic call origination data from the network switch based on the pseudo toll-free number. The platform determines a destination number based on the non-domestic call origination data and routing instructions received from a web server, accessible by the customer via a packet switched data network. The platform forwards at least the destination number to the network switch for routing the call to the destination number. The routing service platform also includes a database server that stores the routing instructions received from the web server.

In this regard, exemplary embodiments of the present specification are shown in FIGS. 5-8 and disclosed at page 30, line 4 – page 40, line 2. A system for routing international calls to an international toll-free number of a customer [12] in accordance with a customized routing service, the system comprising: an international gateway [29] that receives a call to the customer's [12] international toll-free number, the international gateway [29] translating the international toll-free number into a pseudo toll-free number and populating a calling party [10] number field of an automatic number identification (ANI) signal with at least data indicating that the call originated in a non-domestic country [page 31, lines 5-16]; a network switch [24] that receives the call from the international gateway [29] based on at least an identification of a carrier associated with at least one of the international toll-free number and the pseudo toll-free number [page 32, lines 3-22]; and a customized routing service platform [30] that receives the call and the non-domestic call origination data from the network switch [24] based on the pseudo toll-free number, the platform [30] determining [page 33, lines 3-18] a destination number based on the non-domestic call origination data and routing instructions received from a web server [38], accessible by the customer [12] via a packet switched data network [40], the platform [30] forwarding at least the destination number to the network switch [24] for routing the call to the destination number, the customized routing service platform [30] further including, a database server [36] that stores the routing instructions received from the web server [38].

(6) GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-22 are pending in the application. In the Final Official Action dated March 28, 2008, the Examiner rejected claims rejected claim 1 under 35 U.S.C. §103(a) as being unpatentable over KAPLAN (U.S. Patent No. 5,884,193) in view KAMIL (U.S. Patent Publication 2003/0112943) and further in view of KRAMER (Convergence Communications, March 6, 2001). Also, in the same Official Action, the Examiner rejected claims 2-22 U.S.C. §103(a) as being unpatentable over KAPLAN in view of KRAMER and further in view of GOTTLIEB et al. (U.S. Patent No. 5,892,822). Appellants respectfully request reversal of these rejections, at least for each of the reasons stated below.

(7) APPELLANTS' ARGUMENTS

A. THE REJECTION OF CLAIM 1 UNDER 35 U.S.C. § 103(a) AS UNPATENTABLE IS IN ERROR

1. The Kaplan Patent Does Not Disclose A System For Routing International Calls To A Toll-Free Number

KAPLAN discloses in FIG. 1 a *cell phone* having a keypad that is operated by the user to generate keypad data indicative of a destination telephone number. For convenience, Fig. 1 of KAPLAN is reproduced below:



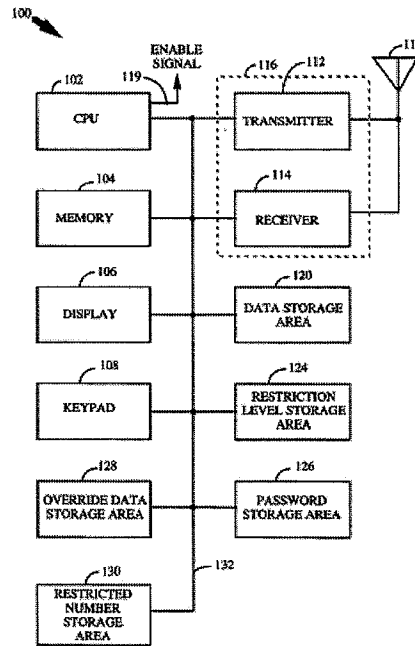


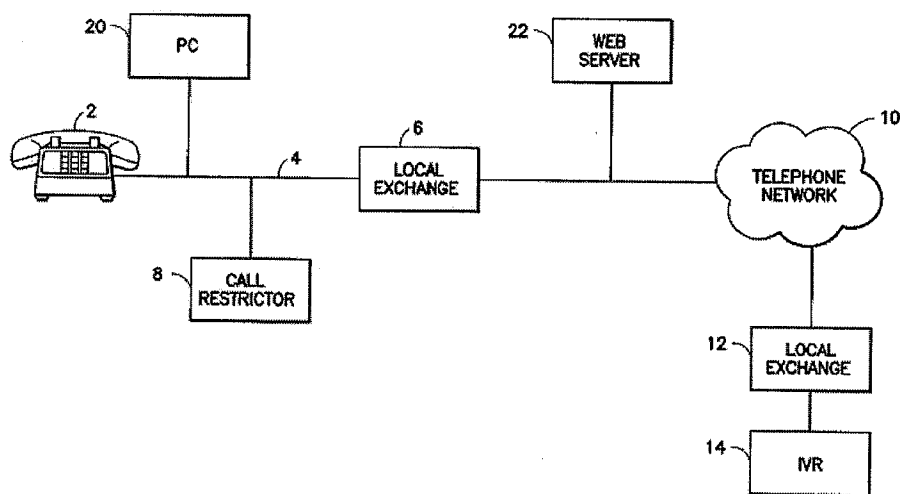
FIG. 1

In Fig. 1, the cell phone is depicted as having storage areas 120, 124, 126, 128 and 130 for storing data including data related to the calling plan and data indicative of call restrictions that may apply to the destination telephone number. The call restriction storage area 130 is used to store user-selectable call restriction data. A processor 102 accepts and uses data from keypad 108 to access the data storage areas 120, 124, 126, 128 and 130. The processor 102 compares data indicative of call restrictions that may apply to the destination telephone number with the user-selectable call restriction data to determine if any user-selectable call restrictions apply to the destination telephone number. The processor 102 sets an enable signal to an enabled state if no call restrictions apply to the destination telephone number and sets the enable signal to a disabled state if call restrictions do apply to the destination telephone number. (See, Abstract of KAPLAN.)

Contrary to the assertions of the Official Action, KAPLAN does not disclose the claimed customized service routing platform for routing international calls to a toll-free number of a customer. Moreover, KAPLAN does not disclose the “network switch” or “an international gateway that receives a call to the customer's toll-free number and populates a first portion of a calling party number field with at least data indicating that the call originated in a non-domestic country.” The secondary references, KAMIL and KRAMER, do not cure the deficiencies of KAPLAN.

2. KAMIL Does Not Disclose A Remote Database Of Routing Instructions For Routing International Calls To A Toll-Free Number

The rejection of claim 1 is also based in part upon KAMIL, which discloses a system and method for restricting *outgoing telephone calls* on a telephone line of a single user. FIG. 1 of KAMIL is reproduced below:



The KAMIL system includes a telephone 2, a local telephone exchange 6, and a call restriction device 8 placed on the line connecting the telephone 2 to the local exchange 6. The call restriction device 8 can be programmed by an interactive voice response (IVR) unit 14 or alternatively by a personal computer 20 which can download software for the call restriction device 8 from a secure web server 22 via the Internet.

KAMIL fails to disclose “a customized routing service platform that receives the call and the non-domestic call origination data from the network switch, the platform determining a destination number based on the non-domestic call origination data and routing instructions received from a web server”. KAMIL further fails to disclose “a database server that stores the routing instructions received from the web server and determines the destination number based on the stored routing instructions.” There is no disclosure that the telephone is associated with a toll free number or belongs to a customer who is the recipient of an international calls to a toll free number. Lastly, KAMIL does not disclose “an international gateway that receives a call to the customer's toll-free number and populates a first portion of a calling party number field with at least data indicating that the call originated in a non-domestic country.”

The assertions in the Official Action regarding KAMIL are incorrect. Instead of disclosing the claimed customized routing service platform, KAMIL essentially discloses a call

restriction device for a single user telephone. Accordingly, KAMIL does not cure the acknowledged deficiency of KAPLAN.

3. KRAMER Does Not Disclose A Database For Routing International Calls To A Toll-Free Number

Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over KAPLAN in view of KAMIL and further in view of KRAMER. The cited portions of KRAMER recite:

In essence, call accounting is a database application that processes call data from your switch (PBX, IPBX, or key system) via a CDR (call detail record) or SMDR (station message detail record) port. The call data record details your system's incoming and outgoing calls by thresholds, including time of call, duration of call, dialing extension, and number dialed. Call data is stored in a PC database or temporarily in a buffer box (a solid-state device that stores data until polled at intervals, thus alleviating the PC's hard-drive space from a data flood).

The call accounting software takes this information and generates a report for easy analysis. Multiple reports are standard with most software packages, and some allow you to customize or create your own reports. Report subjects include most expensive calls, longest calls, and frequently dialed numbers, among others. Depending on the application, call reports may be delivered via fax, email, or SNMP; posted on a secure Web site; or presented via the software's GUI, which commonly features drill-down capabilities. (Call data is presented on separate screens. From the general call log, you drill down to the day of call, then the time of call, then the calling extension, etc.).

From the cited portions of KRAMER reproduced above, it is indisputable that KRAMER relates to call accounting software. KRAMER does not disclose call routing of toll free number numbers, and it cannot cure any deficiencies of KAPLAN or KAMIL, which are described in detail above.

KRAMER discloses a call accounting system which includes a database application that processes call data from a switch (PBX, iPBX or key system) via a CDR (call detail record) or SMDR (station message detail record) port. The call data record details the system's incoming and outgoing calls by thresholds, including time of call, duration of call, dialing extension, and number detailed. Call data is stored in a PC database or temporarily in a buffer box (a solid-state device that stores data until polled at intervals, thus alleviating the PC's hard-drive space from data flood). (See, page 1 of KRAMER). KRAMER does not disclose a customized routing service, and the database of KRAMER is used for storing accounting data, not routing instructions as claimed by Appellants.

There is no reason to combine the teachings of KAPLAN, KAMIL and KRAMER as asserted in the Official Action, and even if the artisan of ordinary skill made such a combination, the combination would not result in Appellants' claimed invention. It is respectfully submitted that if the artisan of ordinary skill combined the call accounting software of KRAMER with the cell phone of KAPLAN and the telephone restriction system and method of KAMIL, the artisan of ordinary skill would be motivated to load KRAMER's call accounting software on to the PC 20 of KAMIL. The resulting combination would simply keep track of the telephone calls made on the cell phone of KAPLAN which would be restricted from making certain telephone calls because of the call restrictor of KAMIL. The resulting combination would not be Appellants' claimed invention. Moreover, there would be no motivation to make the asserted combination, because if the call restriction device of KAMIL was combined with KAPLAN to block cell

phone calls, there would be no need to keep track of the blocked cell phone calls using the call accounting software of KRAMER.

Accordingly, the Board is respectfully requested to reverse the decision of the Examiner to reject claim 1 as being unpatentable over KAPLAN in view of KAMIL and further in view of KRAMER.

**B. THE REJECTIONS OF CLAIMS 2-22 UNDER 35 U.S.C. § 103(a) AS UNPATENTABLE ARE IN ERROR**

Claims 2-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over KAPLAN in view of KRAMER and further in view of GOTTLIEB et al. There is an obvious typographical error on page 3 of the Official Action, because there is no reference to KAMIL which was used to reject claim 1 and which presumably should have been included in the rejection of at least claims 2-11 which depend from claim 1. In the above described rejection of claim 1, the Examiner asserted that KAMIL cured the acknowledged deficiencies of KAPLAN. Irrespectively of whether there is a typographical error on page 3, Appellants respectfully submit that there is no proper combination of KAPLAN, KAMIL, KRAMER and GOTTLIEB et al. or KAPLAN, KRAMER and GOTTLIEB et al. that would render claims 2-22 unpatentable.

GOTTLIEB et al. discloses a method of and system for routing switched termination telephone calls in accordance with international routing requirements and available network

capacity. A call is received at a switch of an international carrier. The switch sends a query identifying the first country as the country of origin for the call and the second country as the country of termination for the call to a service control point of the international carrier. (See, ABSTRACT). GOTTLIEB et al., however, fails to disclose “a call to the *customer's toll-free number* and populates a first portion of a calling party number field with at least data indicating that the call originated in a non-domestic country”, as required by the claims. Accordingly, GOTTLIEB et al. fails to cure the deficiencies of KAPLAN, KAMIL and KRAMER.

There is no reason to combine the teachings of GOTTLIEB et al. with KAPLAN, KAMIL and KRAMER, and even if the artisan of ordinary skill made such a combination, the combination would not result in Appellants’ claimed invention. It is respectfully submitted that if such artisan were to combine the teachings of GOTTLIEB et al. with the teachings of KAPLAN, KAMIL and KRAMER, the artisan would merely use the call restrictor 8 of KAMIL to block international phone calls routed to the cell phone of KAPLAN in accordance with the teachings of GOTTLIEB et al. and record the blockage of the international phone with call accounting software of KRAMER. The resulting combination would not be Appellants’ claimed invention.

Accordingly, the Board is respectfully requested to overturn the Examiner’s rejection of claims 2-22 as being unpatentable over KAPLAN, KAMIL, KRAMER and GOTTLIEB et al. or KAPLAN, KRAMER and GOTTLIEB et al.

C. THE OFFICIAL ACTION FAILS TO ESTABLISH A PRIMA FACIE OF OBVIOUSNESS WITH RESPECT TO CLAIMS 1-22

1. Claim 1

With respect to the rejection of claim 1, the Office Action fails to explain how the call restrictor 8 of KAMIL can be used to control the asserted call routing capabilities of KAPLAN. The only reasoning provided in the Official Action is that, "It would have been obvious to one of ordinary skill in the art to have incorporated such a remote database as Kamil into the Kaplan device as such would only entail the substitution of one memory means for another." (Page 2 of the Official Action), Appellants respectfully submit that the Examiner's conclusory statement regarding the substitution of one "memory means for another" in order to transform a cell phone into the claimed system for routing international calls to a toll-free number is insufficient to establish a *prima facie* case of obviousness. If Appellants' claimed invention was directed to the field of memory devices, the Examiner's statement regarding the substitution of memory devices might have some merit. Appellants' invention of claim 1, however, is directed to a system for routing international calls to a toll-free number, and the assertion that the incorporation of KAMIL's remote database into the memory of KAPLAN's cell phone results in the claimed system for routing international calls to a toll-free number reflects illogical reasoning without any rational underpinning.

According to MPEP § 2142, the key to establishing and supporting a *prima facie* case of obviousness under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed



invention would have been obvious. The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. \_\_\_, \_\_\_, 82 USPQ2d 1385, 1396 (2007) noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Federal Circuit has stated that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also *KSR*, 550 U.S. at \_\_\_, 82 USPQ2d at 1396 (quoting Federal Circuit statement with approval). Appellants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness based upon articulated reasoning.

## 2. Claims 2-4 and 7

Additionally, the Official Action has failed to establish a *prima facie* of obviousness based upon articulated reasoning with respect to claims 2-22, and particularly with respect to claims 2-4 and 7. The Official Action is absolutely devoid of any explanation of where the features of claims 2-4 and 7 are taught in the cited prior art, and also devoid of any explanation of why the features of claims 2-4 and 7 can be combined with the features of claim 1. Because the Official Action is devoid of any explicit explanation of why the claimed invention of claims 2-4 and 7 would have been obvious, the Board should reverse the Examiner's decision to reject claims 2-4 and 7.

### 3. Claim 5

The only explanation provided in the Official Action regarding claim 5 is, "With respect to claim 5, such is inherent." The Official Action has failed to support a finding of inherency. In order to support a finding of inherency, the Official Action must comply with the case law. The case law holds that the fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (reversed rejection because inherency was based on what would result due to optimization of conditions, not what was necessarily present in the prior art); *In re Oelrich*, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981). "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.' " *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999).

It is respectfully submitted that the Official Action has not shown that the missing descriptive matter, relating to the claimed calling party number fields, are necessarily present in cited prior art. Accordingly, Appellants believe that the rejection of claim 5 must be withdrawn, because the Examiner's position regarding inherency is unsupported.

4. Claim 6

The explanation provided in the Official Action regarding claim 6 is, “With respect to claim 6 and the database, note claim 2 of Gottlieb et al.” There is no explanation in the Official Action of how the database of GOTTLIEB et al. can be combined with the features of claim 1. Accordingly, the Official Action has failed to provide an explicit explanation of why the claimed invention of claim 6 would have been obvious, and the Board should reverse the Examiner’s decision to reject claim 6.

5. Claim 8

The explanation provided in the Official Action regarding claim 8 is, “With respect to claim 8, note abstract of Gottlieb.” There is no explanation in the Official Action of what the Examiner is relying upon in the Abstract of GOTTLIEB et al. or how the unspecified feature can be combined with the features of claim 1. Accordingly, the Official Action has failed to provide an explicit explanation of why the claimed invention of claim 8 would have been obvious, and the Board should reverse the Examiner’s decision to reject claim 8.

6. Claim 9

The explanation provided in the Official Action regarding claim 9 is, “With respect to claim 9, IVR and presenting a script to a user based on predetermined conditions is well known in the art.” There is no explanation in the Official Action of how or why an IVR could or should

be combined with the cited prior art to render obvious the combination of claim 9. Accordingly, the Official Action has failed to provide an explicit explanation of why the claimed invention of claim 9 would have been obvious, and the Board should reverse the Examiner's decision to reject claim 9.

#### 7. Claim 10

The explanation provided in the Official Action regarding claim 10 is, "With respect to claim 10, POTS is well known in the art." There is no explanation in the Official Action of how or why a POTS could or should be combined with the cited prior art to render obvious the combination of claim 10. Accordingly, the Official Action has failed to provide an explicit explanation of why the claimed invention of claim 9 would have been obvious, and the Board should reverse the Examiner's decision to reject claim 9.

#### 8. Claim 11

The explanation provided in the Official Action regarding claim 11 is, "With respect to claim 11, note claims s [sic] 5 and 7 of Gottlieb et al." There is no disclosure in GOTTLIEB et al.'s claims 5 or 7 of the claimed switch identification number and a trunk group number, nor any explanation in the Official Action of how the features of GOTTLIEB et al.'s claims 5 or 7 could or should be combined to render obvious the combination of claim 11. Accordingly, the Official Action has failed to provide an explicit or rational explanation of why the claimed invention of

claim 11 would have been obvious, and the Board should reverse the Examiner's decision to reject claim 11.

#### 9. Independent Claim 12 And Dependent Claims 13, 14

The explanation provided in the Official Action regarding claims 12-14 is, "Claims 12-14 mirror the claims above and would be rejected similarly." Since independent claim 12 and dependent claims 13, 14 do not mirror the claims above, it is impossible to understand the Examiner's rejection. Accordingly, the Official Action has failed to provide an explicit or rational explanation of why independent claim 12 and dependent claims 13, 14 would have been obvious, and the Board should reverse the Examiner's decision to reject claim 12 and dependent claims 13, 14.

#### 10. Claims 15 and 16

The explanation provided in the Official Action regarding claims 15 and 16 is, "With respect to claims 15-16, note Fig. 3 of Gottlieb et al." There is no disclosure in Fig. 3 of GOTTLIEB et al. of a system for routing international calls to a toll free number, nor any explanation in the Official Action of how or the features of GOTTLIEB et al.'s dependent claims 15 and 16 could or should be combined with the features of independent claim 12. Accordingly, the Official Action has failed to provide an explicit or rational explanation of why the claimed invention of claims 15 and 16 would have been obvious, and the Board should reverse the Examiner's decision to reject claims 15 and 16.

### 11. Independent Claim 17

The explanation provided in the Official Action regarding independent claim 17 is, "With respect to claim 17, note Col. 11, lines 5-11." Col. 11, lines 5-11 of GOTTLIEB et al. state,

An INC switch waits for a call at block 60. when an INC switch receives a call, at block 62, it issues a query message to an NCS SCP, at block 64. This query is for a routing translation that the INC switch may use to route the call properly. The query message contains standard call data such as dialed number, ANI or CLI, and date/time of call origination.

There is no explanation in the Official Action of how the features of the quoted passage could or should be combined to render obvious the combination of independent claim 17. Accordingly, the Official Action has failed to provide an explicit or rational explanation of why the claimed invention of independent claim 17 would have been obvious, and the Board should reverse the Examiner's decision to reject claim 17.

### 12. Claims 18-22

The explanation provided in the Official Action regarding claims 18-22 is, "Claims 18-22 mirror the claims above and would be rejected similarly." Since there is no explanation of how claims 18-22 mirror the claims above, Appellants must speculate on what the Examiner was thinking. Presumably, the Examiner is referring to claims 2, 3, 8 and 9. If these are the claims that the Examiner was thinking about, then the Examiner has failed to explain the rejection of claims 18-22 for the same reasons that the explanations of claims 2, 3, 8 and 9 are deficient.

Accordingly, the Official Action has failed to provide an explicit or rational explanation of why the claimed invention of claims 18-22 would have been obvious, and the Board should reverse the Examiner's decision to reject claims 18-22.

(8). CONCLUSION

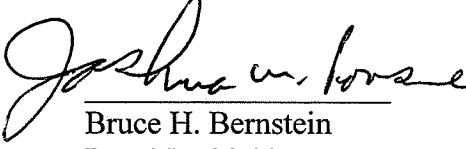
The required Appeal Brief Fee in the amount of \$510 is attached hereto.

In view of the herein contained arguments, Appellants respectfully request that the decision of the Examiner to reject claims 1-22, set forth in the Official Action dated March 28, 2008, be reversed together with an indication of the allowability of all pending claims. Such action is respectfully requested and is believed to be appropriate and proper.

Should an extension of time be necessary to maintain the pendency of this application, including any extensions of time required to place the application in condition for allowance by an Examiner's Amendment, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 19-0089.

If there are any questions concerning this Brief or the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,  
William H. ALLEN et al.

 Joshua M. Povsner  
Reg. #42,086  
Bruce H. Bernstein  
Reg. No. 29,027

July 28, 2008  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191



## **APPENDIX A: – CLAIMS APPEALED**

### CLAIMS APPEALED

1. A system for routing international calls to a toll-free number of a customer in accordance with a customized routing service, the system comprising:

an international gateway that receives a call to the customer's toll-free number and populates a first portion of a calling party number field with at least data indicating that the call originated in a non-domestic country;

a network switch that receives the call from the international gateway based on at least an identification of a carrier associated with the toll-free number; and

a customized routing service platform that receives the call and the non-domestic call origination data from the network switch, the platform determining a destination number based on the non-domestic call origination data and routing instructions received from a web server, accessible by the customer via a packet switched data network, the platform forwarding at least the destination number to the network switch for routing the call to the destination number, the customized routing service platform further including a database server that stores the routing instructions received from the web server and determines the destination number based on the stored routing instructions.

2. The system for routing international calls to a toll-free number according to claim 1, in which the international gateway populates a second portion of the calling party number field with data indicating a country in which the call originated.

3. The system for routing international calls to a toll-free number according to claim 2, in which the routing instructions identify the destination number based on the country in which the call originated.

4. The system for routing international calls to a toll-free number according to claim 2, in which the data indicating the country in which the call originated comprises a country code.

5. The system for routing international calls to a toll-free number according to claim 4, in which the first portion and the second portion of the calling party number field comprise an NPA portion and an NXX portion, respectively.

6. The system for routing international calls to a toll-free number according to claim 1, the customized routing service platform further comprising: a platform switch that suspends the call received from the switch; and the database server forwarding at least the call destination number to the platform switch in response to a query;

the platform switch forwarding at least the call destination number to the network switch.

7. The system for routing international calls to a toll-free number according to claim 1, the platform switch further releasing a trunk between the network switch and the platform switch via release link transfer.

8. The system for routing international calls to a toll-free number according to claim 1, the customized routing service platform further comprising:

a service control point that accesses the routing instructions received from the web server and determines the destination number based on the routing instructions, the service control point forwarding at least the call destination number to the network switch in response to a query;

the network switch suspending the call while the service control point determines the call destination number.

9. The system for routing international calls to a toll-free number according to claim 1, the customized routing service platform further comprising:

an interactive voice response unit that queries a calling party through the network switch in accordance with a predetermined script received from the web server, the platform selecting the predetermined script based on at least the non-domestic call origination data received from the network switch.

10. The system for routing international calls to a toll-free number according to claim 1, in which the destination number comprises a plain old telephone service directory number.

11. The system for routing international calls to a toll-free number according to claim 1, in which the destination number comprises at least one of a switch identification number and a trunk group number.

12. A method for routing international calls to a toll-free number of a customer in accordance with a customized routing service, the method comprising:

receiving instructions from the customer via a packet switched data network associating the toll-free number with a first destination number of the customer for calls to the toll-free number originating in a first non-domestic country;

populating a calling party number field of a call to the toll-free number originating in the first non-domestic country with at least a first code corresponding to the first non-domestic country; and

routing the call to the first destination number in accordance with the received instructions, based on the first code, wherein the routing further includes, storing the routing instructions received from the packet switched data network and determining the destination number based on the stored routing instructions.

13. The method for routing international calls to a toll-free number according to claim 12, in which the packet switched data network comprises a public Internet.

14. The method for routing international calls to a toll-free number according to claim 12, in which the first destination number comprises one of a plain old telephone service directory number, a switch identification number and a trunk group number.

15. The method for routing international calls to a toll-free number according to claim 12, further comprising:

receiving instructions from the customer via the packet switched data network associating the toll-free number with a second destination number of the customer for calls to the toll-free number originating in a second non-domestic country;

populating a calling party number field of a call to the toll-free number originating in the second non-domestic country with at least a second code corresponding to the second non-domestic country; and

routing the call to the second destination number in accordance with the received instructions, based on the second code.

16. The method for routing international calls to a toll-free number according to claim 12, further comprising:

routing a call to the toll-free number originating domestically to a third destination number in accordance with the received instructions.

17. A system for routing international calls to an international toll-free number of a customer in accordance with a customized routing service, the system comprising:

an international gateway that receives a call to the customer's international toll-free number, the international gateway translating the international toll-free number into a pseudo toll-free number and populating a calling party number field of an automatic number identification (ANI) signal with at least data indicating that the call originated in a non-domestic country;

a network switch that receives the call from the international gateway based on at least an identification of a carrier associated with at least one of the international toll-free number and the pseudo toll-free number; and

a customized routing service platform that receives the call and the non-domestic call origination data from the network switch based on the pseudo toll-free number, the platform determining a destination number based on the non-domestic call origination data and routing instructions received from a web server, accessible by the customer via a packet switched data network, the platform forwarding at least the destination number to the network switch for routing the call to the destination number, the customized routing service platform further including, a database server that stores the routing instructions received from the web server.

18. The system for routing international calls to a toll-free number according to claim 17, in which the international gateway populates a second portion of the calling party number field with data indicating a country in which the call originated.

19. The system for routing international calls to a toll-free number according to claim 18, in which the routing instructions identify the destination number based on the country in which the call originated.

20. The system for routing international calls to a toll-free number according to claim 17, the customized routing service platform further comprising:

a platform switch that suspends the call received from the switch; and

the database server forwarding at least the call destination number to the platform switch in response to a query;

the platform switch forwarding at least the call destination number to the network switch.

21. The system for routing international calls to a toll-free number according to claim 17, the customized routing service platform further comprising:

a service control point that accesses the routing instructions received from the web server and determines the destination number based on the routing instructions, the service control point forwarding at least the call destination number to the network switch in response to a query; the

network switch suspending the call while the service control point determines the call destination number.

22. The system for routing international calls to a toll-free number according to claim 17, the customized routing service platform further comprising:

an interactive voice response unit that queries a calling party through the network switch in accordance with a predetermined script received from the web server, the platform selecting the predetermined script based on at least the non-domestic call origination data received from the network switch.



**APPENDIX B: EVIDENCE**

(None)

## **APPENDIX C: RELATED PROCEEDINGS**

(None)